IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

O R D E R

Ramesh Kumar & Ors. Vs. State of Raj.
S.B. CR. REVISION PETITION NO.980/2006

Against order dated 10.10.2006 passed by learned Judicial Magistrate No.4, Jodhpur in C.R. No.230/2006 Police Station Basani, Jodhpur.

Date of Order :: 7th November, 2006.

PRESENT

HON'BLE MR.JUSTICE SATYA PRAKASH PATHAK

Mr. S.D. Purohit for petitioners.
Mr. Vishnu Kachhawaha, Public Prosecutor.
Mr. Mr. Jugal Ranga)
Mr. Bharat Devasi) for complainant.

BY THE COURT:

The petitioners by moving present criminal revision petition under Sec. 397/401 Cr.P.C. have challenged the order dated 10.10.2006 passed by learned Judicial Magistrate No.4, Jodhpur whereby the learned trial Judge has

rejected the application moved under Section 167(2)(a)(i) Cr.P.C. by the petitioners in C.R. No.230/2006 Police Station Basni for the offence under Sections 498A and 304B IPC.

The contention of learned counsel for the petitioners is that charge-sheet in the matter was not filed in 90 days before the learned trial court. He submits that learned trial court has committed illegality in passing the impugned order, therefore, the impugned order requires to be set aside.

On the other hand, learned Public Prosecutor and learned counsel for the complainant have submitted that it can not be disputed that on 90th day the charge-sheet was filed, therefore, the learned trial court has correctly rejected the application moved under Section 167(2)(a)(i) Cr.P.C. vide impugned order dated 10.10.2006, thus the order passed by the learned trial court requires no interference.

I have considered the submissions made before me.

The main argument of the learned counsel is that time i.e. 8.30 AM could be taken into consideration and as the charge-sheet in the court was filed on 10.10.2006 at 10.00 AM but the time for filing the same had elapsed on 90th day at 8.30 AM on that day, therefore, it cannot be considered that the it was filed within 90 days prescribed for filing of charge-sheet.

The contention of learned counsel is of no substance and it should be rejected straight away. The factum still remains that the charge-sheet was filed on 90th day when the court opened thus, I do not find any illegality in the impugned order passed by the learned trial court.

In view of above, I do not find any merit in this revision petition and the same is hereby dismissed summarily.

(SATYA PRAKASH PATHAK)J.

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